

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROY NAZINITSKY,

Plaintiff,

- against -

FAIRMONT INSURANCE BROKERS, LTD.,

Defendant.

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MAUSKOPF, United States District Judge.

ORDER ADOPTING  
REPORT & RECOMMENDATION  
06-CV-5555 (RRM)(JMA)

Plaintiff Roy Nazinitsky commenced the instant action alleging employment discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e and section 296 of New York's Human Rights Law ("NYHRL"), as well as New York common law claims alleging breach of contract and negligent misrepresentation. Pursuant to Federal Rule of Civil Procedure 56, Defendant Fairmont Insurance Brokers, Ltd. moved for summary judgment as to Nazinitsky's federal and state law discrimination claims, and further implored this Court to decline supplemental jurisdiction over Nazinitsky's remaining state law causes of action. Alternatively, Fairmont sought to amend its pleadings to interpose additional defenses, pursuant to Federal Rule of Civil Procedure 15. *See* docket entry 49. Fairmont's motion was respectfully referred to Magistrate Judge Joan Azrack for report and recommendation ("R&R"), pursuant to this Court's authority under 28 U.S.C. § 636(b). *See* Order dated July 28, 2009.

Now before this Court is Magistrate Judge Azrack's December 4, 2009 R&R [docket entry 57], recommending: (i) dismissal of Nazinitsky's Title VII and NYHRL claims; (ii) denial of Defendant's motion for leave to amend its pleadings to interpose additional defenses, as moot; and (iii) further recommending that this Court decline discretionary supplemental jurisdiction

over Nazinitsky's remaining common law claims. This Court is also in receipt of Nazinitsky's timely objections to the R&R, dated January 29, 2010, and Fairmont's Opposition to Plaintiff's Objections, dated February 26, 2010 [docket entries 59 and 60, respectively].

In light of Nazinitsky's timely objections, and pursuant to this Court's obligations under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3), this Court has conducted *de novo* review of the R&R and the underlying pleadings and factual record upon which it is based. Having conducted such review, and upon careful consideration of Nazinitsky's objections, as well as the points discussed in Defendant's supporting submissions, Nazinitsky's objections are overruled. This Court, fully concurring with the Magistrate in all material respects, hereby adopts, as its own, the rationale articulated in the thoroughly researched and well-reasoned R&R.

### **CONCLUSION**

Accordingly, for the reasons discussed in the R&R, Nazinitsky's Title VII and NYHRL discrimination claims are **DISMISSED** in their entirety; Defendant's motion seeking leave to amend its pleading is **DENIED** as moot; and 28 U.S.C. § 1367 supplemental jurisdiction over Nazinitsky's New York common law contract and negligent misrepresentation claims is **DECLINED**. In accordance with the above, the matter is hereby **DISMISSED**, and the Clerk of the Court is respectfully directed to close the case.

**SO ORDERED.**

Dated: Brooklyn, New York  
March 4, 2010

s/RRM  
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ROSLYNN R. MAUSKOPF  
United States District Judge